

REMARKS

Claims 2, 4, 5, 7-10, 13-16, 18-24, 26-29 and 31-33 are pending in this application. By this Amendment, claims 2, 4, 5, 7-10, 13-16, 18-24 and 26-29 are amended, new claims 31-33 are added, and claims 1, 12, 25, 30 are canceled. Claim 24 is amended to address a rejection under 35 USC 112. New claim 32 is added to retain the subject matter canceled from claim 24.

No new matter is added to the application by this Amendment. The features added to claim 26 find support within the present specification as filed, at, for example, page 3, lines 16-18. New claim 31 and 33 find support in Figs. 3a, 3b and 4b of the present application, in canceled claims 1 and 25, respectively, and within the present specification, as originally filed, at, for examples, paragraph [0035]. New claim 32 finds support in claim 24, as originally filed.

Reconsideration of the application is respectfully requested.

I. Substance of Telephonic Interview on October 19, 2010

Applicants appreciate the courtesies shown to Applicants' representative, the undersigned, by Examiner Tony Soohoo during the October 19, 2010 telephonic interview. The telephonic interview was conducted to discuss proposed new claim 31.

During the telephonic interview, Applicants' representative set forth that none of the cited references teach or suggest the features specifically defined in new claim 31. Examiner Soohoo acknowledged that the cited references fail to teach or suggest the features required in claim 31 (see page 2 of the October 21, 2010 Interview Summary). Examiner Soohoo suggested cancelling claims 1 and 30 in favor of new claim 31 and

amending claim 25 to incorporate features similar to new claim 31. In view of the Examiner's suggestions, claims 1, 25 and 30 are cancel and new claims 31-33 are added. New claim 33 incorporates the features of canceled claim 25 and new claim 31.

II. Information Disclosure Statement

Applicants filed an Information Disclosure Statement (IDS) on May 17, 2005 along with the above-identified application. The IDS included Form PTO-1449 which cited three US patent documents, namely, US Patent Nos. 5,803,600 and 6,082,891 and US Patent Publication No. 2002/057627 and four German patent documents, namely, DE 44 16 343, DE 195 40 292, DE 199 28 123 and DE 199 27 554. With the April 24, 2009 Office Action, Examiner Soohoo set forth that the May 17, 2005 IDS was noted by the Examiner but would not be published. However, the Form PTO-1449 citing the above-mentioned references was not initialed by the Examiner.

Applicants have enclosed, for the convenience of the Patent Office, a copy of the Form PTO-1449 filed with the May 17, 2005 IDS. Applicants request that the Examiner indicate that references cited in the Form PTO-1449 have been considered by the Patent Office and will be published since the references are cited on Form PTO-1449. Applicants also request that the Examiner return the Form PTO-1449 indicating the references were considered by the Patent Office to Applicant's representative by facsimile communication to (212)808-0844.

Because the references were originally disclosed to the Patent Office for consideration with the timely-filed May 17, 2005 IDS, Applicant submits that those references should be considered by the Patent Office without payment of additional

fees. However, should the Patent Office, determine that a fee is, in fact, due, the Patent Office is hereby authorized to charge the fee to Deposit Account No. 14-1263.

III. Rejection Under 35 USC 112

Claim 24 was rejected under 35 USC 112, second paragraph, as allegedly being indefinite. This rejection is respectfully traversed.

Claim 24 is amended to address the rejections under 35 USC 112, second paragraph, as set forth in the Office Action. Specifically, claim 24 was amended to cancel the phrase "constant or" from the claim. New claim 32 was added to retain the subject matter canceled from claim 24.

Applicants submit that amended claim 24 and new claim 32 are definite and particularly point out and distinctly claim the subject matter which Applicant regards as the presently claimed invention. Applicants submit that amended claim 24 overcomes the rejection under 35 U.S.C. 112, second paragraph.

Thus, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 112, second paragraph.

IV. Rejections Under 35 USC 102

A. Hirose et al.

Claims 1, 2, 4, 5, 7, 9, 10, 12-14, 18, 20-25, 28 and 29 were rejected under 35 USC 102(b) as allegedly being anticipated by US Patent No. 4,869,849 to Hirose et al. (hereinafter "Hirose"). This rejection is respectfully traversed.

In view of the cancellation of claims 1, 12 and 25, this rejection is moot with respect to those claims. However, Applicants take this opportunity to address new claims 31 and 33 in view of Hirose because new claims 31 and 33 incorporate many of the features of canceled claim 1 and 25, respectively.

As acknowledged by Examiner Soohoo during the October 19, 2010 telephonic interview and set forth in the October 21, 2010 Interview Summary, Hirose does not teach or suggest the features specifically recited in new claims 31 and 33.

Because the features of independent claims 31 and 33 are neither taught nor suggested by Hirose, Hirose cannot anticipate, and would not have rendered obvious, the features specifically defined in new claims 31 and 33 and their dependent claims.

For at least these reasons, claims 2, 4, 5, 7, 9, 10, 13, 14, 18, 20-24, 28, 29, 31 and 33 are patentably distinct from and/or non-obvious in view of Hirose. Reconsideration and withdrawal of the rejection of the claims under 35 USC 102(b) are respectfully requested.

B. Pfost et al.

Claims 1, 2, 4, 5, 7, 9, 10, 12-14, 18, 20-25, 28, 29 and 30 were rejected under 35 USC 102(b) as allegedly being anticipated by US Patent No. 6,485,690 to Pfost et al. (hereinafter "Pfost"). This rejection is respectfully traversed.

In view of the cancellation of claim 1, 12, 25 and 30, this rejection is moot with respect to those claims. However, Applicants take this opportunity to address new claims 31 and 33 in view of Hirose because new claims 31 and 33 incorporate many of the features of canceled claim 1 and 25, respectively.

As acknowledged by Examiner Soohoo during the October 19, 2010 telephonic interview and set forth in the October 21, 2010 Interview Summary, Pfof fails to teach or suggest the features specifically recited in new claims 31 and 33.

Because the features of independent claims 31 and 33 are neither taught nor suggested by Pfof, Pfof cannot anticipate, and would not have rendered obvious, the features specifically defined in new claims 31 and 33 and their dependent claims.

For at least these reasons, claims 2, 4, 5, 7, 9, 10, 13, 14, 18, 20-25, 28, 29, 31 and 33 are patentably distinct from and/or non-obvious in view of Pfof. Reconsideration and withdrawal of the rejection of the claims under 35 USC 102(b) are respectfully requested.

V. Rejections Under 35 USC 103

A. Hirose

Claims 15, 16, 19, 26 and 27 were rejected under 35 USC 103(a) as allegedly being unpatentable over Hirose. This rejection is respectfully traversed.

Amended claims 15, 16, 19 and 26 depend from new claim 31, and amended claim 27 depends from new claim 33. And as discussed above with respect to the rejection under 35 USC 102(b), Hirose fails to teach or suggest the specific features recited in amended claims 31 and 33, from which claims 15, 16, 19, 26 and 27 directly or indirectly depend.

Because the features of independent claims 31 and 33 are neither taught nor suggested by Hirose, Hirose would not have rendered obvious, the features specifically defined in claims 31 and 33 and their dependent claims.

For the foregoing reasons, Applicants respectfully submit that Hirose would not have led one of ordinary skill in the art to the required features of claims 15, 16, 19, 26 and 27. Reconsideration and withdrawal of this rejection are respectfully requested.

B. Hirose in view of Lowe et al.

Claims 8 was rejected under 35 USC 103(a) as allegedly being unpatentable over Hirose in view of U.S. Patent Publication No. 2004/0027915 to Lowe et al. (hereinafter "Lowe"). This rejection is respectfully traversed.

Applicants submit that Lowe fails to remedy the deficiencies of Hirose with respect to claim 31, from which amended claim 8 directly depends. As acknowledged by Examiner Soohoo during the October 19, 2010 telephonic interview and set forth in the October 21, 2010 Interview Summary, Hirose and Lowe, taken singly or in combination, fail to teach or suggest the features specifically recited in new claim 31.

Because the features of independent claim 31 are neither taught nor suggested by Hirose and Lowe, taken singly or in combination, these references would not have rendered obvious the features specifically defined in claim 31 and its dependent claims.

For the foregoing reasons, Applicants respectfully submit that Hirose and Lowe would not have led one of ordinary skill in the art to required features of claim 8. Reconsideration and withdrawal of this rejection are respectfully requested.

C. JP 2002-346352

Claims 1, 2, 4, 5, 7, 9, 10, 12-16 and 18-29 were rejected under 35 USC 103(a) as allegedly being unpatentable over JP 2002-346352 (hereinafter "JP 352"). This rejection is respectfully traversed.

In view of the cancellation of claim 1, 12 and 25, this rejection is moot with respect to those claims. However, Applicants take this opportunity to address new claims 31 and 33 in view of JP 352 because new claims 31 and 33 incorporate many of the features of canceled claim 1 and 25, respectively.

As acknowledged by Examiner Soohoo during the October 19, 2010 telephonic interview and set forth in the October 21, 2010 Interview Summary, JP 352 fails to teach or suggest the features specifically recited in new claims 31 and 33.

Because the features of independent claims 31 and 33 are neither taught nor suggested by JP 352, JP 352 cannot anticipate, and would not have rendered obvious, the features specifically defined in new claims 31 and 33 and their dependent claims.

For at least these reasons, claims 2, 4, 5, 7, 9, 10, 13-16, 18-24, 26-29, 31 and 33 are patentable over JP 352. Thus, withdrawal of the rejection under 35 USC 103(a) is respectfully requested.

VI. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 2, 4, 5, 7-10, 13-16, 18-24, 26-29 and 31-33 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Early and favorable action is earnestly solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
NORRIS MCLAUGHLIN & MARCUS, P.A.

By /Brian C. Anscomb/
Brian C. Anscomb
Reg. No. 48,641
875 Third Avenue, 8th Floor
New York, New York 10022
Phone: (212) 808-0700
Fax: (212) 808-0844